

## Table Of 2002 Legislation That Affects IDEM

(By Enrolled Act Number)

Enrolled Act #	Subject(S)	Synopsis	Effective Date(s)
SEA 29	Center For Coal Technology Research	The Center For Coal Technology Research is established to perform the following duties: 1) develop technologies that can use Indiana coal in an environmentally and economically sound manner; 2) investigate the reuse of clean coal technology byproducts, including fly ash; 3) generate innovative research in the field of coal use; 4) develop new, efficient, and economical sorbents for effective control of emissions; 5) investigate ways to increase coal combustion efficiency; 6) develop materials that withstand higher combustion temperatures; and 7) carry out any other matter concerning coal technology research as determined by the Center For Coal Technology Research.	7/1/02
	Utility Generation And Clean Coal Technology	The IURC shall encourage clean coal and energy projects by creating financial incentives for clean coal and energy projects.	3/28/02
SEA 43	County Funding For Septic Systems	A county may install private sewage disposal systems. A county works board may construct a private system on land owned by a private entity if: 1) the owner of the land has applied to the works board for construction of a system that the works board determines is appropriate for the sewage disposal needs of the location; 2) the owner of the land has supplied in the application to the works board sufficient information to prepare a preliminary resolution to approve construction of the system; 3) the works board has adopted a preliminary resolution approving construction of the system; and 4) with respect to the system, the works board has, at the time the preliminary resolution is adopted, adopted and placed on file cross-sections, general plans, specifications, and an estimate of the cost. The works board shall levy special assessments if the contract for construction of the system is executed, and the system is constructed. The property on which the system is constructed is liable for assessment.	7/1/02
SEA 57	Recodification Of Title 32: Property	Title 32 Property is recodified to reorganize and restate the law without substantive change. Internal references in Title 13 Environment are made to conform to the Title 32 recodification.	7/1/02
SEA 99	County Onsite Waste Management Districts	A county onsite waste management district may be established to perform one or more of the following functions related to onsite waste management: 1) inventory of sewage disposal systems; 2) inspection of systems; 3) monitoring the performance and maintenance of systems; 4) establishing standards for installation and inspection of systems that are no less stringent than standards established by ISDH, and procedures for enforcement of the standards. Enforcement of standards by a district does not affect the authority of the IDEM, ISDH, or a local health department; 5) seeking grants for system maintenance and any other activities described in IC 36-11; 6) establishing rates and charges for the operation of the district; 7) establishing policies and procedures for the use of grants and other revenue of the district for installation, maintenance, and other activities of the district relating to systems in the district; 8) seeking solutions for disposal of septage from systems; 9) education and training of system service providers and system owners; 10) coordination of activities of the district with activities of local health departments, IDEM, IDNR, and ISDH; and 11) other functions as determined by the governing body of the district.	7/1/02
SEA 216	Technical Corrections	Technical corrections were made regarding the following: the expiration of the IN Institute on Recycling; an internal reference on industrial waste disposal; the expiration of provisions on the transfer of funds to and from the ELTF and the Petroleum Trust Fund; and grammatical and internal reference on regional water, sewage, and solid waste districts.	3/14/02

SEA 230	IDNR Aquatic Weed Control Permits	The type of management of aquatic vegetation in public waters or boundary waters of the state that requires a permit from IDNR is expanded from “chemically treat aquatic vegetation” to “chemically, mechanically, physically, or biologically control aquatic vegetation.” IDEM, rather than ISDH, provides written approval to IDNR if the aquatic vegetation proposed to be chemically controlled is in a public water supply. <i>Note: IDEM has been performing this function since it branched out of ISDH and became its own agency in 1986. The language to indicate that it is the duty of IDEM, rather than ISDH, was inadvertently not made.</i> For the exclusions to the permit requirement, the type of management is expanded from “chemically treats” to “chemically, mechanically, or physically controls aquatic vegetation.” For the exclusions to the permit requirement, the area where vegetation is to be controlled is changed from “does not exceed ½ acre or 50 percent of the existing area of aquatic vegetation, whichever is less” to “does not exceed 25 feet along the legally established, average, or normal shoreline, a water depth of six feet, and a total surface area of 625 square feet.”	7/1/02
SEA 259	Hazardous Air Pollutant Emissions Reporting	The APCB is given the authority to adopt rules to require sources to report hazardous air pollutant emissions if the reporting is necessary to demonstrate compliance with emissions and other performance standards established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The APCB is given the authority to amend 326 IAC 2-6 to allow IDEM to request hazardous air pollutant emissions data from individual sources for the purpose of site specific studies of hazardous air pollutant emissions and impacts. The APCB is given the authority to amend 326 IAC 2-6 or adopt new rules to establish a general requirement for sources to report hazardous air pollutant emissions. However, the rules amended or adopted by the board may not require sources to report hazardous air pollutant emissions before January 1, 2004. The EQSC is directed to do the following: 1) develop and propose a plan for the creation and funding of an effective hazardous air pollutant monitoring program to help assess potential health risks from hazardous air pollutants posed by urban air and significant sources; 2) consider methods for IDEM and ISDH to request and receive hazardous air pollution release information in a timely and effective manner and communicate to the public and the reporting sources the responses received as a result of the requests; and 3) provide to LSA, at the time the EQSC submits its final report in 2002, a report of its activities and an outline of the hazardous air pollutant program plan developed and proposed. IDEM and ISDH are directed to jointly develop and provide a five-year hazardous air pollutant strategy in writing to the EQSC before November 1, 2002.	3/28/02
SEA 283	Withdrawals And Removals From Joint Solid Waste Management Districts	The provisions on withdrawal or removal of a county from a joint SWMD are amended regarding the adoption of ordinances and resolutions, when a withdrawal or removal becomes effective, legal obligations, and the amount of time to file a district plan with IDEM.	3/20/02
SEA 357	References To The State Board Of Tax Commissioners Replaced With The Department Of Local Government Finance	References to the State Board of Tax Commissioners is replaced with the newly established Department of Local Government Finance.	1/1/02 (retroactive) & 3/21/02
SEA 381	Use Of MTBE As A Gasoline Additive	After July 23, 2004, gasoline sold, offered for sale, or used in Indiana may not contain more than 0.5 percent of MTBE by volume.	7/1/02
SEA 399	Adjustment Of Census Numbers In Statutes	The population parameters are changed in various statutes to reflect the population count determined under the 2000 decennial census.	1/1/02 (retroactive), 3/1/02 (retroactive), & 4/1/02
SEA 407	Indoor Air Quality In Schools	The ISDH may adopt rules to establish an indoor air quality in schools inspection and evaluation program to assist schools in developing plans to improve indoor air quality. The ISDH is directed to do the following: 1) inspect a school for which ISDH has received a complaint about the quality of air in the school; 2) report the results of the inspection to the person who complained about the quality of air in the school, the school's principal, the superintendent of the school district, the Indiana state board of education, and the appropriate local or county board of health; and 3) assist the school in developing a reasonable plan to improve air quality conditions found in the inspection. The School Air Quality Panel is established to assist ISDH in carrying out the indoor air quality in schools inspection and evaluation program.	7/1/02

SEA 461	County Onsite Waste Management Districts	A county onsite waste management district may be established to perform one or more of the following functions related to onsite waste management: 1) inventory of sewage disposal systems; 2) inspection of systems; 3) monitoring the performance and maintenance of systems; 4) establishing standards for installation and inspection of systems that are no less stringent than standards established by ISDH, and procedures for enforcement of the standards. Enforcement of standards by a district does not affect the authority of the IDEM, ISDH, or a local health department; 5) seeking grants for system maintenance and any other activities described in IC 36-11; 6) establishing rates and charges for the operation of the district; 7) establishing policies and procedures for the use of grants and other revenue of the district for installation, maintenance, and other activities of the district relating to systems in the district; 8) seeking solutions for disposal of septage from systems; 9) education and training of system service providers and system owners; 10) coordination of activities of the district with activities of local health departments, IDEM, IDNR, and ISDH; and 11) other functions as determined by the governing body of the district.	7/1/02
	Residential Sewage Discharging Systems In Allen County	The point source discharge of treated sewage from an onsite residential sewage discharging disposal system to waters of the state is permitted in Allen County if the local health department for the jurisdiction in which the system is located issues an operating permit for the system, and the discharge is authorized under a general permit. In a county onsite waste management district that performs all the functions related to onsite waste management, the local health department for the jurisdiction in which the system is located may issue an operating permit for an onsite residential sewage discharging disposal system if the system is installed to repair a sewage disposal system that fails to meet public health and environmental standards. ISDH is directed to study the use of various specified technologies, and take all actions necessary to develop plans and specifications for use of the technologies listed above in residential septic systems. The executive board of ISDH is directed to adopt reasonable rules to promulgate the plans and specifications developed above, and allow for the issuance of operating permits for residential septic systems that are installed in compliance with the plans and specifications promulgated, and onsite residential sewage discharging disposal systems in Allen County that comply with IC 13-18-12-9. IDEM shall take all actions necessary to apply for and obtain from the U.S. EPA a general permit for Allen County to cover the point source discharge of treated sewage to waters of the state from an onsite residential sewage discharging disposal system installed to repair a sewage disposal system that fails to meet public health and environmental standards. IDEM shall report to the EQSC before August 1, 2002, and October 1, 2002, on the progress in obtaining the general permit. ISDH and the executive board of ISDH shall study the use of various technologies in an expeditious manner calculated to result in the development of plans and specifications and the adoption of rules as soon as possible, and report to the EQSC before August 1, 2002, and October 1, 2002, on the progress in developing plans and specifications and adopting rules.	3/28/02
HEA 1001	Antiterrorism Measures	The Counterterrorism and Security Council is established. The commissioner of IDEM is a member of the council. The interim study committee on Terrorism is established.	7/1/02
HEA 1171	Lead-Based Paint	The issuance period for lead-based paint activity licenses are extended from one year to three years. A person must obtain a new type of license called a "clearance examiner license" when a person engages in the clearance of nonabatement activities. Standards are established for remodeling, renovation, and maintenance activities at target housing and child-occupied facilities built before 1960, and lead-based paint activities. Before July 1, 2002, the APCB must adopt rules to reflect HEA 1171. A person that examines the blood of a child less than seven years of age for the presence of lead must report to ISDH the results of the examination not later than one week after completing the examination. ISDH, FSSA, and local health departments shall share among themselves and with the federal Department of Health and Human Services information to determine the prevalence and distribution of lead poisoning in children less than seven years old. ISDH is given the authority to adopt rules on childhood lead poisoning.	7/1/02 & 7/1/03
HEA 1196	Solid Waste Management District Property Tax Rates	A SWMD may appeal to the Department of Local Government Finance to have a property tax rate in excess of \$0.0833 on each \$100 of assessed valuation of property in the district.	1/1/02 (retroactive) & 7/1/02

HEA 1306	Definition Of “Waters”	The definition of "waters" is amended back to its structure before the recodification of Title 13 of the Indiana Code in 1996.	7/1/96 (retroactive) & 3/28/02
	EQSC Recommendation On Wetlands	The EQSC is directed to do the following: 1) consider various aspects involved in the implementation of a rational wetland management policy; 2) recommend principles for addressing state or local government management of and, with respect to state management, state agency responsibility for land areas with wetland characteristics, and location and quantity of nonwetland surface water, not under the jurisdiction of the federal Clean Water Act; 3) recommend a framework for overall state policy on wetlands to implement the 1996 Indiana Wetland Conservation Plan with goals, objectives, and responsibilities; 4) recommend the appropriate role and components of banking programs as part of a mitigation rule to foster private initiatives to restore wetlands in the context of a rational statewide wetland strategy; 5) consider the options for statutory definition of “private pond” and explain the implications of each option; and 6) submit its final report on the matters referred to above before November 1, 2002, to the Governor and the executive director of LSA. A state agency or board may not adopt or amend an administrative rule concerning the definition of “wetlands” or “isolated wetlands,” or enforce an administrative rule promulgated after January 1, 2002, that concerns the definition of “wetlands” or “isolated wetlands,” until the EQSC has submitted its final report or until May 1, 2003, whichever occurs first.	3/28/02
HEA 1329	Applicant Remedies For Renewal Applications Of Administratively Extended Permits	An applicant for a renewal of a permit may proceed with the remedies available to applicants when IDEM fails to issue a decision on a new or modification to a permit within the specified time frame if the renewal application was submitted within the specified number of days prior to expiration and if IDEM fails to issue the renewal prior to the expiration of the existing permit.	3/28/02
	Report To EQSC On Status Of Administratively Extended NPDES Permits	Before July 15 of each year, the commissioner of IDEM shall provide to the EQSC a list, current through July 1 of the year, of NPDES permits that have been administratively extended.	3/28/02
	Financial Reporting To The EQSC	IDEM is directed to report to the EQSC before September 1 of each even-numbered year regarding the following: 1) IDEM’s proposed distribution of funds among the NPDES, solid waste, and hazardous waste programs for the current state fiscal year; 2) IDEM’s rationale for the proposed distribution; 3) any difference between the proposed distribution and the distribution made by IDEM in the immediately preceding state fiscal year; and 4) the results of an independent audit of the correlation between the distribution made by IDEM with respect to and IDEM’s actual expenses related to the NPDES, solid waste, and hazardous waste programs in the immediately preceding state fiscal year.	3/28/02
	Public Water Systems	The terms “water supply system” and “public water supply” are replaced with “public water system.”	7/1/02
	Restriction Of Percentage Of Drinking Water SRF Capitalization Grant Allotted For Technical Assistance	The wording “shall use two percent of the funds” is changed to “may use not more than two percent of the funds” of the Drinking Water State Revolving Loan Fund capitalization grant to provide technical assistance to participants for public water systems serving not more than 10,000 persons in Indiana.	7/1/02
	Clean Manufacturing Technology Board Membership	The membership of the Clean Manufacturing Technology Board is changed from two representatives from a public or private university, to one from a public university and one from a private university. The requirement that one university representative have expertise in occupational health and the workplace environment is eliminated.	7/1/02

Resolution #	Subject	Synopsis	Resolutions do not go to the Governor for signature or have an effective date
SCR 74	Make Clean Manufacturing A Priority For State Environmental And Economic Policy	The O'Bannon Administration is urged to do the following: 1) restore all funds reverted since 1996 to the Indiana Clean Manufacturing Technology and Safe Materials Institute; and 2) make clean manufacturing an economic and environmental policy priority for the State of Indiana by supporting tax incentives for investment in clean manufacturing and increasing the budget of the Indiana Clean Manufacturing Technology and Safe Materials Institute in the 2003-2005 biennial budget.	(not adopted by the Senate or House)*
HCR 44	Interim Study Committee On State Sales Tax Exemptions On Recycled Products	The Legislative Council is urged to establish an interim study committee to study state sales tax exemptions on recycled products.	Adopted by the House (not adopted by the Senate)*
HR 56	EQSC Study The Creation Of An Environmental Financial Assistance Authority And Assess Environmental Infrastructure Needs In Indiana	The Legislative Council is urged to assign to the EQSC the following topics: 1) studying the feasibility of establishing a single environmental financial assistance authority to administer the wastewater revolving loan program, the drinking water revolving loan program, and the supplemental drinking water and wastewater assistance fund and program; 2) assessing and quantifying wastewater, drinking water, storm water control, combined sewer overflow, and nonpoint source infrastructure needs in Indiana; and 3) identifying funding mechanisms and recommending other methods of providing additional financing that may be used to address the unmet environmental infrastructure needs in Indiana.	Adopted by the House
HR 63	IDEM To Continue Study Of E. Coli Contamination Of Lake Michigan	IDEM is urged to continue to monitor the E. coli contamination in Lake Michigan, to study and find the sources of the contamination, and to establish a plan of remediation to allow full use of Lake Michigan as a vital Indiana resource.	Adopted by the House
HR 72	IN Harbor Ship Canal Maintenance Dredging And Disposal Project Study Committee	The Legislative Council is urged to establish the Indiana Harbor Ship Canal Maintenance Dredging and Disposal Project Study Committee. The committee shall do the following: 1) study and assess the project; 2) study the viability of the site the United States Army Corps of Engineers has selected for the project's Confined Disposal Facility; 3) study the viability of alternative sites for the project's Confined Disposal Facility; and 4) submit its final report before January 1, 2003, to the Governor, the executive director of the Legislative Services Agency, and the commissioner of IDEM.	Adopted by the House

Note that resolutions do not have the effect of law. They are used to express the sentiment of the House and/or Senate. SCRs and HCRs need to be adopted by both the Senate and House. HRs need only to be adopted by the House.

\* Note that although a resolution was not adopted, it still may be acted upon.